

United States District Court
Southern District of Texas
FILED

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JAN 13 2000

**Michael N. Wilkey
Clerk of Court**

EDWARD ALCALA, et al.,

Plaintiffs,

vs.

**ALEX PEREZ, in his official capacity as
Sheriff of Cameron County, Texas and
Cameron County, Texas,**

Defendants.

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CIVIL ACTION NO. B-96-203

**PLAINTIFFS' FURTHER
OBJECTIONS TO THE
MAGISTRATE'S REPORT**

1. The Magistrate's report correctly accepts that those in law enforcement (the Plaintiffs) must work 171 hours in a 28 day work period before they accrue overtime or comp time. Some of the Plaintiffs claim that they have worked as much as 280 to 300 hours in the 28 work period. For purpose of argument, assume these claims to be correct. By dismissing all claims, the Magistrate's recommendation denies these Plaintiffs any relief although it is clear that if these claims are correct, they are entitled to damages.

2. Many of the Plaintiffs claim to have worked more than 200 hours in numerous 28 day pay periods. Their claims are being dismissed although everyone agrees that if their allegations are correct, they are entitled to relief.

3. All Plaintiffs claim to have worked more than 171 hours in at least some 28 pay periods. Under the recommendation, their claims are also being dismissed.



4. The ruling should be limited to the issues raised in the opposing motions for summary judgment.

Respectfully submitted,

BY: 

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CERTIFICATE OF SERVICE

I, GEORGE P. POWELL, do hereby certify that on this the 13th day of January, 2000, I caused to be mailed a true and correct copy of Plaintiffs' Further Objections to the Magistrate's Report to defendants' attorney of record:

Mr. Richard O. Burst
Legal Division Commissioners' Court
964 E. Harrison St.
Brownsville, TX 78520



GEORGE P. POWELL